

### **REMARKS**

In the Office Action dated December 20, 2004, the Examiner has posed the following question: "Has the instant application received an examination in Great Britain or other foreign country?". Applicant hereby notifies the Examiner that although foreign applications have been filed, to the best of the Applicant's knowledge, none has yet received any examination.

Claims 1-28 are currently pending and stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner specifically notes objection to the terms "actuator control scheme 312," "safety scheme 314," "customization scheme 316" and "conflict control module 118." However, Applicant notes that none of these terms is used in any of the pending claims, and respectfully submits that there can be no enablement issue concerning elements which, while included in the specification, are not required in any claim. Applicant has interpreted the Examiner's enablement rejection, therefore, to be directed to the claim elements "first control scheme" (Claims 1, 7, 8, 12, 17, 19, 20), "second control scheme" (Claims 1, 7, 8, 12, 17, 19, 20) and "conflict resolution scheme" (Claims 12, 18 and 19). If the Examiner believes that any other claim element is not enabled, Applicant respectfully asks the Examiner to point out such claim element so that Applicant can address the Examiner's concerns.

Applicant respectfully asks the Examiner to reconsider the above rejection in view of the below Remarks.

The enablement requirement of 35 U.S.C. 112 is concerned with whether the specification adequately describes how to make and use the invention. The analysis of whether a particular claim is supported by the disclosure in an

**Amendments to the Drawings:**

No amendments are made to the drawings herein.

application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. (see MPEP 2164.01). The standard for determining whether the specification meets the enablement requirement has been stated as follows: Is the experimentation needed to practice the invention undue or unreasonable? *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916); *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988); *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) (“The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.”). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991).

#### First Control Scheme and Second Control Scheme

Applicant respectfully submits that one reasonably skilled in the art could make and use the invention, including the features referenced by the Examiner, from the disclosure coupled with information known in the art without undue experimentation. Two of the terms the Examiner takes issue with are the first and second “control schemes.” These “control schemes” are specifically defined in Paragraph [0023] of the Specification itself as comprising “at least one, and preferably a plurality of, rules concerning actuation of actuators 126 in response to various sensor signals 310.” Numerous examples of known types of control schemes are also given, such as those for controlling service brakes, emergency brakes, trailer height adjustment, brake systems, suspension systems, anti-lock braking systems, shock-absorbing systems, etc.

Applicant respectfully submits that literally thousands of control schemes for controlling dozens of vehicle systems are extremely well known in the art, and that this is why Applicant has not included detailed descriptions of such control schemes in the specification of the current application. One example of a system which includes a control scheme is an anti-lock (or anti-skid) brake system. In a very simple example, a control scheme for such an anti-lock brake system may comprise the following rule: If wheel slip is sensed at any wheel and if braking is requested by the driver, generate pulsed control signals for the brake actuators. Of course, numerous more complex control schemes for these types of systems are extremely well-known (see for example the three different embodiments of control schemes described in Figures 3, 15 and 16 and accompanying text of U.S. Patent No. 6,671,606 and Figure 6 and accompanying text of U.S. Patent No. 5,358,317).

Another example of a vehicle system in connection with which numerous control schemes are well known is a vehicle traction control system. Again, in a simple example, such a system may comprise the following rule: If wheel slip is sensed only at one wheel, and if braking is requested by the driver, generate constant control signals for the brake actuators of the non-slipping wheels. Of course, numerous more complex control schemes for these types of systems are extremely well-known (see for example Figure 5 and accompanying text of U.S. Patent No. 5,358,317). Control schemes for electronic braking systems in general are also extremely well-known, with an example thereof being described in Figure 4 and accompanying text of U.S. Patent No. 6,299,261. Countless other control schemes for the above-three mentioned vehicle systems are also extremely well known, as are countless control schemes for many other types of vehicle systems.

As stated above, it is recognized that a patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d at 661, 18

USPQ2d at 1332. In the present application, details of the first and second control schemes, which types of control schemes are extremely well known in the art, are omitted, as is preferable.

#### Conflict Resolution Scheme

With respect to the third claim element with which the Examiner apparently takes issue, the “conflict resolution scheme”, this term is defined in Paragraph [0025] of the Specification itself as comprising:

...one or more rules concerning how to resolve conflicts between other rules. These conflict control rules may be absolute (e.g., “Safety scheme rules are always given priority over actuator control scheme rules.”), or may depend upon sensed conditions of the vehicle (e.g., “When condition A is sensed, the rule contained in actuator control scheme X is given priority over the rule contained in actuator control scheme Y.”). Of course, conflict control rules may be significantly more complicated in order to resolve potential conflicts between a number of actuator control schemes faced with a number of sensed conditions.

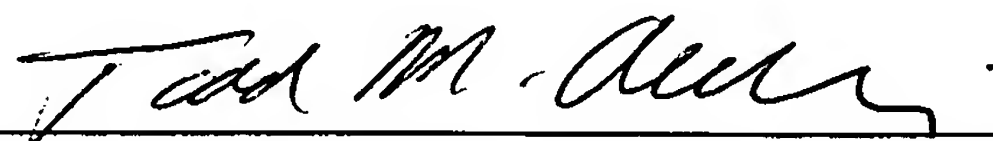
Thus, it would be clear to one reasonably skilled in the art that the “conflict resolution scheme” would be a set of rules concerning how to deal with conflicts between the rules comprising the first and second control schemes. Two specific examples of these rules are given in the specification -- they may be absolute with one set of rules (i.e., one of the first control scheme or the second control scheme) always being given priority over the other, or they may be dependent upon a sensed condition. Thus, for example, in the situation where first control scheme is an anti-lock brake system control scheme and the second control scheme is a traction control system control scheme, the conflict resolution scheme may comprise a rule which states that: The anti-lock brake system control scheme always takes precedence over the traction control system control scheme. Alternately, the conflict resolution scheme may comprise a rule which states that: The anti-lock brake system control scheme takes precedence over the traction

control system control scheme when the vehicle is traveling less than 10 MPH, but the traction control system control scheme takes precedence over the anti-lock brake system control scheme at 10 MPH or higher.

Applicant believes that the "conflict resolution scheme" element is enabled by the specification in that (i) at least two specific examples thereof or given in the specification and (ii) one reasonably skilled in the art could easily arrive at other rules which would comprise the conflict resolution scheme without undue experimentation.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-28, are enabled by the specification. Moreover, Applicant respectfully submits that all pending claims are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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